

BEFORE THE
SHORELINES HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
A SHORELINE SUBSTANTIAL)
DEVELOPMENT AND CONDITIONAL)
USE PERMIT ISSUED TO WAHAKIAKUM)
COUNTY TO HILLE STANLEY AND)
DENIED BY THE STATE OF WASHINGTON,)
DEPARTMENT OF ECOLOGY,)
HILLE STANLEY and WAHAKIAKUM)
COUNTY,)
Appellants,)
v.)
STATE OF WASHINGTON,)
DEPARTMENT OF ECOLOGY,)
Respondent.)

SHB No. 80-6

ORDER DISMISSING APPEAL
AND STRIKING FURTHER
PROCEEDINGS

Respondent Department of Ecology (DOE) filed a Motion to Dismiss the request for review in the above-entitled matter on the grounds that appellant did not timely file his appeal with this Board. The matter came before the Board based upon the materials submitted by the parties and upon the files and record herein.

1 Appellant's application for a conditional use permit was denied by
2 respondent DOE and transmitted to Wahkiakum County and appellant on
3 January 23, 1980. Pursuant to RCW 90.58.140(6) the date of filing was
4 January 23, 1980. Appellant mailed his request for review of DOE's
5 action to this Board on February 21, 1980. The Board received
6 appellant's appeal on February 25, 1980. Thirty days after the "date
7 of filing" as defined by RCW 90.58.140(6) was February 22, 1980. The
8 Attorney General denied certification of the request for review; DOE
9 granted such certification and thereafter brought this motion to
10 dismiss.

11 RCW 90.58.180(1) provides that review of DOE's action may be
12 sought by "filing a request for the same within thirty days of the
13 date of filing as defined in RCW 90.58.140(6) . . ." "Filing" with
14 the Board means receipt. WAC 461-08-060. See Hama Hama v. Shorelines
15 Hearings Board, 85 Wn.2d 441, 453 (1975). Appellant did not file his
16 appeal on or before February 22, 1980, and his appeal was not timely.
17 This Board has no jurisdiction to hear the appeal. Accordingly, DOE's
18 motion should be granted. NOW THEREFORE,

19 IT IS ORDERED that the appeal be and the same is hereby dismissed,
20 and further proceedings herein stricken.

DONE this 23^d day of April, 1980, in Lacey, Washington.

SHORELINES HEARINGS BOARD

Nat W. Washington
NAT W. WASHINGTON, Chairman

David Akana
DAVID AKANA, Member

Chris Smith
CHRIS SMITH, Member

James S. Williams
JAMES S. WILLIAMS, Member

William A. Johnson
WILLIAM A. JOHNSON, Member

Rodney Kerslake
RODNEY KERSLAKE, Member